S.B. Cr. Revision Petition No.910/2005
Nen Puri & Ors.
vs
State of Rajasthan

DATE OF ORDER : 18.1.2007

HON'BLE JUSTICE SHRI G.S. SARRAF

Shri BS Rathore, for the petitioners.
Shri S.N. Tiwari, Public Prosecutor.

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This is a revision petition against the order dated 30.9.2005 of the Addl. Sessions Judge (Fast Track), Nagaur framing charges against the petitioners under Sections 324, 324/34, 326, 326/34, 307, 307/34 and 365 IPC.

Heard learned counsel for the petitioners and learned Public Prosecutor.

The limited submission of the learned counsel for the petitioners is that no case is made out against the petitioners under Section 307 and in the alternative under Section 307/34 IPC and, therefore, the order framing charges against the petitioners under Section 307 and in the alternative under Section 307/34 IPC is bad in law.

There are two injuries caused to the injured Baburam and both the injuries are on or near right eye. Injury no.1 is a incised wound which is simple and injury no.2 has been stated to

be grievous on account of loss of vision. There is no intention to cause death of the injured Baburam. After hearing the rival submissions and after considering all the facts and circumstances of the case I am of the opinion that there is no sufficient ground to frame charges under Section 307 and in the alternative under Section 307/34 IPC against the petitioners.

The revision petition is, therefore, partly allowed, the order of the learned court below to frame charges under Section 307 and in the alternative under Section 307/34 IPC is set aside and the rest of the order is maintained.

(G.S. SARRAF), J.

cpgoyal/-